

City Council Chamber, City Hall, Tuesday, April 12, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 12, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D. and Michael Berry; Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Assistant Agenda Director present. Council Member Ronald C. Green out of the city on city business.

At 1:58 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Alvarado. Council Member Alvarado stated that some of the finest chefs in Houston had recently won gold medals with the Culinary Olympics held in Erfurt, Germany, and invited Fritz Gitschner, executive chef of the Houston Country Club, Charles Carroll, executive chef of the River Oaks Country Club and Darrin Aoyama to the podium and presented them Proclamations for winning the Olympics and for representing Houston so well. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Ellis and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he had a Proclamation for National Crime Victims Rights' Week and invited all those present regarding his Proclamation to the podium. Council Member Garcia stated that today they often speak of criminal justice and rarely hear of victim's justice; that if victims never reported a crime or never identified defenders the guilty would remain free; and presented Proclamations to the different groups present proclaiming this week as "National Crime Victims Rights' Week", in Houston, Texas. Council Members Wiseman, Khan, Holm and Sekula-Gibbs absent.

Council Member Goldberg invited Mr. Steven Ruben, organizer of the first Houston Comedy Festival Week, to the podium and stated that it was a charitable fund raising event benefiting Cerebral Palsy and presented him a Proclamation saluting and commending those involved in the worthwhile endeavor, wished them continued success and proclaimed April 3rd through April 10th as "Houston Festival Week" in Houston, Texas; and Mr. Ruben presented programs to all Council Members, thanked all those who made the Proclamation presentation possible and invited Mr. John Finley, Mr. Rob Mungal and Ms. Shelly McCowan to the podium with him; and thanked all who came together to make it a successful event. Council Member Wiseman absent.

Mayor White stated that he and Council Members received letters and E-mails from many citizens which helped them run the city and some were beacons of hope which made you want to keep doing your job and someone had been corresponding with him on the green energy policy and introduced Christopher Ramsey and asked him to come to the podium to be recognized. Council Member Wiseman absent.

At 2:20 p.m. Mayor White called the meeting to order and called on Council Member Alvarado who invited Pastor Robert Robertson with the Bethel Missionary Baptist Church to lead in prayer and Council Member Alvarado led all in the pledge.

At 2:22 p.m. the City Secretary called the roll. Council Member Green out of the city on city business.

Council Members Garcia and Holm moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION ADOPTED.

Council Member Garcia moved that the rules be suspended for the purpose of hearing Mr. Richard Leal and Ms. Toni McElroy out of order, seconded by Council Member Quan. All voting

aye. Nays none. Council Member Green out of the city on city business. MOTION 2005-0328 ADOPTED.

Council Member Edwards moved that the rules be suspended for the purpose of adding Mr. Tim Young to the speakers list for two minutes, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg, Garcia and Berry absent. MOTION 2005-0299 ADOPTED.

At 2:23 p.m. the City Secretary started calling the speakers.

Mr. Jeff Markiewicz, 2400 N. Glenville, Richardson, Texas 75082 (972-729-7575) appeared and stated that he was with MCI and present regarding Item 37; that policy was favorable to city operations and took into account goals to minimize financial impact; that they believed to relocate their network when in the city right-of-way at their expense when in direct conflict with the city driven public improvement project to its infrastructure, however, they felt the proposal went beyond that in that they chose to maintain their rights to occupy the public right-of-way as a regulated public utility and recover cost associated with relocating their network in the city right-of-way for the benefit of any third party or any other governmental agency that did offer relocation funds; that the city's 2004 budget indicated the second largest revenue for the city was franchise fees; that Council Member Goldberg indicated staff had led Council Members to believe this was exclusive only to Public Works projects.

Mayor White stated that he appreciated the public services they provided; and upon questions, Mr. Markiewicz stated that franchise fees provided the second largest source of revenue to the city and he pulled it from the 2004 budget; and Mayor White stated that to his recollection the electrical utility franchise fees in the current budget were approximately \$76,000,000.00; and upon further questions, Mr. Markiewicz stated that he went through the 2004 budget and it was broken down, he categorized number one as taxes, number two was franchise fees led by telecommunications; and Mayor White stated that to share information his recollection was electrical franchise fees were approximately \$76,000,000.00 and the telecom franchise fees were \$53,000,000.00.

Upon questions by Council Member Quan, Mr. Markiewicz stated that his major concern was that staff led Council Members to believe this ordinance was only restricted to straightening and widening of roads and in looking at the definition section there was nothing saying that and the Public Works description was extremely broad and even allowed other parties who may not be governmental entities to receive this label of Public Works project and therefore receive and enjoy the benefits over a public utility; that they were asking the city not limit their rights to recover funds; that the language was too loose.

Mayor White stated that Mr. Markiewicz stated city staff led them to believe the ordinance applied to straightening and widening of public roads and he recalled in presentations made to Council, the city staff had the same position of many, if not all of the industry, that clearly straightening and widening of roads were covered and that was not the purpose of the statute, instead the statute was to be as others existed in other cities such as Dallas dealing with projects such as drainage and that they not be forced to stretch what was for straightening and widening for drainage; that also he had never once heard any city staff member represent it dealt with just straightening and widening of public roads and to the contrary the testimony and documents presented was that this was needed for projects not covered by that term; that he believed Mr. Markiewicz wrote a letter in October raising the issue whether Public Works projects would cover a project undertaken by a private developer when the private developer infringed on public right-of-way; that historically a private developer always paid the utility for the expenses; and Mr. Cheatham stated that he agreed with the Mayor's comments and characterization of what the staff intent had been along; that if Mr. Markiewicz's company stood for what he represented then he had separated himself from the pack because the majority had wanted to limit the city to only straightening and widening so MCI represented a difference

there; that they had never, to his knowledge, represented to Council that they wanted the ordinance to be anything other than broad in its concept and reach because they felt that was the city's role and they continued to advance that. Mayor White stated that he would like Mr. Markiewicz to give in writing an example and detail and wanted from Mr. Cheatham his advise as to whether or not they had created some windfall for private developers at the utilities expense and changed the rules of the game and to explain it in a way he and Council Members could understand; and Mr. Markiewicz stated that to respond a Council Member did indicate staff, Mr. Krueger, told them right before the vote that this was exclusive to straightening and widening and secondly for an example, a shopping center was constructed along Main Street and he, as a developer, under terms of the ordinance could approach the Director of Public Works and say he would like to put a traffic light in and he would even pay for it if he could perform the improvements under the label of a Public Works project which the director was now able to give to him; that under that label the third party would receive the benefit of MCI or any other utility relocating at their own expense and according to the ordinance he could challenge it as MCI and through judicial decree from legislative action he could be found to have the right for relocation cost because it was a true third party driver, not a true public project and the city was now posting \$9,000,000.00 of public money that he could now receive as opposed to originally being reimbursed by a private developer; and Mayor White stated that he wanted to respond in good faith because MCI had departed from an approach taken by others in the industry and he took it the issue he was raising was concerning whether the definition of Public Works project would not mean Public Works project so he wanted scenarios and history created on this so if anyone did try to do something underhanded at the city they could be called on it.

Council Member Quan stated that he thought it was important to have a legislative history and appreciated Mayor White taking such action.

After a very lengthily discussion Mayor White stated that until the Kirby Drive project on any road or drainage or other project the City of Houston paid not one penny, apparently once money was paid to the airport for something but it had nothing to do with this so it was never a historical contention in Houston, Dallas, Ft. Worth and many other cities; that they created an economic mechanism which assumed by putting this separate account they would come to an agreement with the utilities or the legislature would come to an agreement or there would be legal action; that he asked repeatedly to be shown where it said they could not do what they had always done to those occupying the right-of-way and there was some language specifically dealing with extension of service on straightening and widening but nothing modifying rights which already existed; that they did hope to resolve with telecom carriers within the legislature some of these issues; that the ordinance presented believed the economic issues were more or less open but perceived so they knew what they were doing and so they had the security source of funding and did not have to negotiate projects on a case by case basis and that was their intent; and upon further questions, Mr. Cheatham stated that it was never the intent to transfer cost to them and the city as a matter of law could only spend public moneys for public purposes and if a developer wanted to throw something in and pay for it such as a bike trail, etc., basically they paid for it and it did not come off the backs of the taxpayer and he understood their concerns, but as long as he and Mr. Krueger had worked on this there was never a notion that a cost be shifted to a telecom; and Mayor White asked that Mr. Cheatham write down something he could read on a legal pad and let Mr. Markiewicz look at it and say0 to change this or that word and then get it to him then they would get it read in the record; and thanked Mr. Markiewicz for coming and bringing it to their attention. Council Members Galloway and Berry absent.

Mr. Richard Leal, 7314 Nordling Road, Houston, Texas 77076 (713-694-5138) appeared and stated that he was a member of ACORN and they were concerned that the city was promoting Senate Bill 356 and House Bill 751 regarding the land bank; that the primary concern was the people who lived in the area, the primary Houston Hope areas where the average income was \$17,000.00 to \$27,000.00 and the legislation did not protect them and they wanted it modified; that the land belonged to the people who lived there and with the land bank

legislation the way it was now proposed was none of them would be able to afford the future developments. Mayor White, Council Members Goldberg and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Quan, Mr. Leal stated that in the previous proposed legislation they were making concessions to protect the lower income, but modified it and wiped out all protection; that they wanted protection for lower income stipulated; that all the rental protection, the multi housing, was wiped out; and Council Member Quan stated that he was happy to review it. Mayor White, Council Members Goldberg and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Lawrence moved that the rules be suspended for the purpose of hearing Mr. George Hammerlein out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Green out of the city on city business. Mayor White, Council Members Goldberg and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0329 ADOPTED.

Ms. Toni Mcelroy, 3307 Wentworth, Houston, Texas 77004 (713-523-7248) appeared and stated that she was with ACORN and they recently had over 200 families at a meeting to discuss housing problems and solutions and they drafted an ordinance as they wanted to see safeguards in how affordable housing funds were spent; that since that time the Jefferson Wells audit came out and the result was no surprise; they daily saw the blight; that three Council Members had committed to working with them to pass the ordinance and they wanted all Council Members and the Mayor to place the ordinance on the fast track as it would make sure funds were allotted based not only on geographic but income and they would also like ACORN members on any type of commission to ensure the community had input. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that Mr. Wilson would be speaking about the Jefferson Wells report at the next Housing and Community Development Meeting next Tuesday, regarding failure to monitor the department properly and encouraged Ms. Mcelroy to attend. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia thanked ACORN for working with the city in this regard and Mr. Wilson had his hands full and knew he would appreciate advice and support in moving this forward. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Mr. George Hammerlein, 1001 Preston, Houston, Texas 77002 (713-368-2513) appeared and stated that he was with the office of Paul Bettencourt, the Harris County Tax Assessor Collector, and he was asked to come to Council and urge them to consider adopting a 5% appraisal cap resolution as the Commissioners Court did earlier today. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Ellis, Mr. Hammerlein stated that at this time the Texas House was voting on the Constitutional Amendment HJR35 which was a high hurdle taking 100 votes; and Council Member Ellis stated that he felt there were some around the table who would favor an appraisal lowering; and upon further questions, Mr. Hammerlein stated that as a couple of hours ago the cities and counties would be excluded and have mandatory ability to opt in at a rate lower than 10% and that would include homestead property only; that the school districts would be a mandatory 5% cap on homestead properties and municipalities would have opportunity to opt in; and Council Member Ellis stated that in March he sent a letter in support of Rep. Bohac's Bill to the Governor, Speaker of the House, Lieutenant Governor and Harris County Republican Party. Council Member Berry absent.

Mayor White stated that he did support an appraisal cap; and upon questions, Mr. Hammerlein stated that the county's position was that paid lobbyist for the county could not

say it was the county's position unless they had all five commissioners come in; and Mayor White stated that certain powers were granted to the Mayor under the Charter and the position of the Mayor was local governments should have the ability to cap property tax appraisals for residential property at the increase in residential property taxes of appraisals for property tax purposes to 5% and that was his position in writing; and did he question his ability to do that; and Mr. Hammerlein stated yes he did; and Mayor White stated that the city like the county had been instructed to follow the policy which was articulated by the City of Houston and did he challenge their ability to do that; and Mr. Hammerlein stated yes he did; and Mayor White stated that he knew he was someone who got results and they took their jobs seriously and would not be used as tools for someone else's political circus; that they were going to try and do their job and not have their actions mischaracterized by those attempting to do so.

After further discussion Mayor White stated that the law under the City Charter and powers delegated to him which he had exercised supported the ability to lower the residential property tax and their lobbyist were instructed on their position and it was consistent to resolutions passed by them that local governments be allowed to make local decisions and the county had not taken the similar position because something must unanimously pass Commissioners Court to be the views of the county as represented by their lobbyist and he did have the courtesy to not go before the county and tell them how to do their business. Council Members Garcia and Quan absent.

After a lengthy discussion, Council Member Wiseman stated that it was a wonderful opportunity having him come before them; and called for the orders of the day. Mayor White, Council Members Galloway, Garcia and Quan absent. Mayor Pro Tem Alvarado presiding.

Mr. James Schriver, 1808 Lubbock, Houston, Texas 77007 had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Wiseman, Garcia and Quan absent. Mayor Pro Tem Alvarado presiding.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Wiseman, Garcia and Quan absent. Mayor Pro Tem Alvarado presiding.

Ms. Ella Monroe, 3330 Beran Drive, Houston, Texas 77045 (713-434-2259) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Wiseman, Garcia and Quan absent. Mayor Pro Tem Alvarado presiding.

Ms. Sharon Alexander, 4331 Oxford, Houston, Texas 77022 (281-445-6940) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Wiseman, Garcia and Quan absent. Mayor Pro Tem Alvarado presiding.

Ms. Ginger Pack, 1118 Bay Meadow, Houston, Texas 77062 (281-480-8867) appeared and stated that she was present regarding mental illness and METRO not allowing her access to their services; that she was a former NASA project manager and thought she had overcome an abusive childhood, but was put on disability by NASA in 2001 due to the ongoing trauma during her childhood and now suffered major depression and posttraumatic stress syndrome; that she was recently denied access to METRO lift facilities for her DID illness and missed appointments with her therapist; that she had different personalities and had been in life threatening situations and wanted to know why she was being discriminated against. Council Members Galloway, Ellis, Quan and Sekula-Gibbs absent.

Mayor White stated that Ms. Pack could leave her written statement with Mr. Cantu. Council Members Galloway, Alvarado, Ellis, Quan and Sekula-Gibbs absent.

Upon questions by Council Member Quan, Ms. Pack stated that she had supporting letters from doctors who made it clear she could get in dangerous situations under stress and METRO

denied her application for services, point to point transportation; and Council Member Quan stated that she should leave her information with Mr. Cantu and they would see what could be done with METRO. Council Members Galloway, Alvarado, Ellis and Sekula-Gibbs absent.

Ms. Annie Vaughn, 270 North Carolina, Houston, Texas 77029 (713-671-0308) appeared and stated that she was being harassed by Maria Baptest who worked for the Harris County Appraisal District who was trying to make her pay taxes and she had been exempted for 20 years. Council Members Galloway, Wiseman, Alvarado, Ellis and Sekula-Gibbs absent.

Upon questions by Mayor White, Ms. Vaughn stated that she had disability, and Mayor White stated that she should give information to Mr. Cantu and he would pull information off the computer and send it to her; that they could not handle complaints against the Appraisal District, but they could give her information. Council Members Galloway, Wiseman, Alvarado, Ellis, Sekula-Gibbs and Berry absent.

Ms. Emma Dubois, 4014 Brownstone, Houston, Texas 77053-1407 (832-287-1162) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Alvarado, Ellis, Sekula-Gibbs and Berry absent.

Mr. Juan Wyatt, 3531 Sawyer #3, Houston, Texas 77004 (832-878-2101) appeared and stated that he had questions such as he was a journeyman electrician and was it against the law for him to speak with someone on private property; when people were taken to jail shouldn't the peace officer say why they were going to jail; with HPD, was there a policy to secure an individual detained in the back of the car; and continued with questions until his time expired. Council Members Galloway, Wiseman, Alvarado, Ellis, Sekula-Gibbs and Berry absent.

Mayor White stated that Captain Ready with HPD was present and he could get information from him and then get the response to him. Council Members Galloway, Alvarado, Ellis, Sekula-Gibbs and Berry absent.

Ms. Mary H. Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was present to thank Mayor White for what he had done for Willowrun; and was also present for Acres Home, she was president of Acres Home Restored Beautification and the proposal she wrote up years ago was about keeping Acres Home under control, they picked up trash and took care of weeded lots; that Harris County came out twice a month and Mayor Lanier had people go out, but it was now terminated and she could not get on the list; that she was asking for the Council to look at their area; that the properties were given to them by a land company and it was sold to them by the acre and they wanted to keep it as such and would appreciate any help they could get; that she was in position to cut the lots and did it before and wanted to know if there was any money. Council Members Galloway, Ellis and Berry absent.

Council Member Lawrence stated that she had information on Acres Home and their property tax had gone up higher than almost anyone in the City of Houston and she understood what they were going through. Council Members Galloway, Ellis, Quan and Berry absent.

Mayor White stated that he wanted to share information with her; that there was an area with a lot of abandoned lots, West Montgomery south of Little York, quite a few blocks and action was taken in February to take the properties back and build something affordable; that they were looking at the water and sewer system and street and drainage system and they wanted it repaired so people who wanted to build affordable housing would have a community to build in; that with Council's approval in the next CIP they could move on it and it was on his radar screen; that he met every three weeks with directors, etc., and when they came up with a plan it would be run by her and a lot of other people. Council Members Galloway, Garcia, Ellis, Quan and Berry absent.

Ms. Gertha Giles, 6119 Morrow, Houston, Texas 77091 (713-699-5181) appeared and stated that she wanted to share thoughts of Acres Home; that there had not been such attention to the area for 50 plus years, a ditch was dug out and that had not happened since she was a child; that they had attention from Planning and Development, inspectors, etc., that they knew there were delinquent taxes; that Acres Home should be respected for its background and land with delinquent taxes maybe should be established as reparation for the Black people who developed and maintained the land. Council Members Galloway, Garcia, Ellis, Quan and Berry absent.

Upon questions by Council Member Edwards, Ms. Giles stated that they had no hope in her area and she was not speaking of the project Houston Hope, she was just speaking of Acres Home in general. Council Members Galloway, Garcia, Ellis, Quan and Berry absent.

Upon questions by Mayor White, Ms. Giles stated that she would like to see more cleaned up, but she thought if the lots were clean they looked natural weeded with the trees, cows and horses and they did not need to be kept mowed; that she thought there could be a system set up where residents could keep it clean instead of going after it with a lien and if she got a crew together who wanted to do it she would contact Mr. Cantu. Council Members Galloway, Garcia, Ellis, Quan and Berry absent.

Mr. Charles Mitchell, 6409 Carver, Houston, Texas 77091 (713-682-1776) appeared and stated that he was also with Acres Home and his question was with the buses; that the Pinemont buses was eliminated and they needed help with transportation. Council Members Galloway, Holm, Garcia, Ellis, Quan and Berry absent.

Upon questions by Mayor White, Mr. Mitchell stated that he had been to the METRO board and they said they eliminated the 64 route; that now they had to walk 3 to 4 miles to the transit center. Council Members Galloway, Holm, Garcia, Ellis, Quan and Berry absent.

Upon questions by Council Member Edwards, Mr. Mitchell stated that he did know Pastor Dickson, but he was disappointed as he was an Acres Home citizen and on METRO board; that she could call him, but he felt he should have been a part of this. Council Members Galloway, Holm, Garcia, Ellis, Quan and Berry absent.

Mayor White stated that the fuel cost went up and he thought METRO had two choices to deal with it and that was to reduce routes or raise rates; that he was not apologizing for them, but he wanted them to know it; and Mr. Mitchell stated that as it was now they had to walk 3 to 4 miles. Council Members Galloway, Edwards, Holm, Garcia, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Governor William Beal, 418 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Holm, Garcia, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was God and continued to express his personal opinions until his time expired. Mayor White, Council Members Galloway, Goldberg, Edwards, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Michael Bonner, 3100 Cleburne, Houston, Texas 77004 (no phone) appeared and stated that his topic was Black mental health, locally speaking and needs and solutions; that his last presentation was from the economic slant, fall of the empire, and this was from an environmental slant; that if smoking affected the human immune system then maybe the food supply had been affected by viruses in plants. Mayor White, Council Members Galloway, Edwards, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

(NO QUORUM PRESENT)

At 4:16 p.m. City Council recessed until 9:00 a.m., Wednesday, April 13, 2005. Council Member Green out of the city on city business. Mayor White, Council Members Galloway, Edwards, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.
(NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, April 13, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, April 13, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director, Mr. Jose Soto, Deputy Agenda Director present.

At 8:31 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:24 a.m. Mayor White reconvened the meeting of the City Council. Council Members Wiseman and Green absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 29

ORDINANCES - NUMBERS 15 through 24

15. ORDINANCE awarding contract to **ROAR, LLC d/b/a TEXAS LANDSCAPE COMPANY** for Tree Planting and Maintenance Services for the Parks & Recreation Department; providing a maximum contract amount - \$113,514.87 - Street & Bridge Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Wiseman and Green absent. ORDINANCE 2005-0352 ADOPTED.
16. Omitted
18. ORDINANCE appropriating \$64,251.12 out of Series E Commercial Paper Metro Project Fund and approving and authorizing an amendment to increase the amount of contingency and approval of Change Order No. 3 on Construction Contract No. C55873 between the City of Houston and **TJ&T ENTERPRISES, INC** for Kingwood Drive Paving from Willow Terrace Drive to Hidden Lakes Drive (GFS N-0644G-01-3) - **DISTRICT E - WISEMAN** - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Wiseman and Green absent.
24. ORDINANCE appropriating \$45,000.00 out of Airport System Subordinate Lien Revenue Bonds, Series 2000B (NON-AMT) Construction Fund and approving and authorizing Amendment No. 1 to contract for Professional Engineering Services between the City of Houston and **KLOTZ ASSOCIATES, INC** for Rehabilitation of Runway 15L-33R at George Bush Intercontinental Airport/Houston, Project No. 603; CIP A-0451 - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Wiseman and Green absent. ORDINANCE 2005-0353 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

1. RECOMMENDATION from Houston Airport System for approval of final contract amount of \$33,699,724.68 and acceptance of work on contract with **MANHATTAN CONSTRUCTION CO.** for ISEP FIS Parking Complex at George Bush Intercontinental Airport/Houston; Project No. 500E; CIP A-0203 and A-0422 - 04.24% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Members Wiseman and Green absent. MOTION 2005-0330 ADOPTED.
2. ORDINANCE appropriating \$54,766.50 out of Street & Bridge Consolidated Construction Fund No. 437, and approving and authorizing the execution of a Compromise and Settlement Agreement to settle a claim by **AUSTIN FILTER SYSTEMS, INC** - was presented, and tagged by Council Members Quan and Galloway. Council Members Wiseman and Green absent.

Council Member Quan stated that he understood the cost overruns and the problems with engineering on the matter but was concerned about the fact that the contractor was willfully under performed on the MWBE goal, less than 5% of a 17% goal and would tag the item. Council Members Wiseman and Green absent.

Council Member Galloway stated that she wanted to add her tag to the item. Council Members Wiseman and Green absent.

Council Member Ellis stated that as he read through the backup it just seemed like a sloppy job and it started with the City so he would hope that they learned from projects that they had problems so they would not repeat that. Council Member Wiseman and Green absent.

Council Member Khan stated that he wanted to add his tag to the item and also wanted to know what if anything they had learned from this experience, that he would like to ask the Public Works Department as to what they had learned and what steps were they taking for the future, especially for that company and in general to avoid those kind of mishaps in the future. Council Member Wiseman and Green absent.

Mayor White stated that they would give Council Member Khan that information, that there had been changes such as the construction manager working for that partnership and they would be fully briefed on the changes that were made. Council Member Wiseman absent.

Council Member Lawrence stated that this was an example that sometimes cheapest was not the best. Council Member Wiseman absent.

- 2a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,185,005.81 and acceptance of work on contract with **AUSTIN FILTER SYSTEMS, INC** for Construction of Buffalo Bayou Trail North of Buffalo Bayou, GFS N-0420-28-3 18.59% over the original contract amount - **DISTRICT I - ALVARADO** - was presented, and tagged by Council Members Khan, Quan and Galloway. Council Member Wiseman absent.
3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,334,085.80 and acceptance of work on contract with **TROY CONSTRUCTION, INC** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-P1-3 (4235-15) - 00.62% under the original contract amount - was presented, moved by Council Member Khan, seconded by Council Member Quan. Council Member Wiseman absent.

Council Member Galloway stated that the contractor did not meet their MWBE goals as

well and did not even come close to it so she was very dissatisfied, that was why she wanted to tag the item to see what their response was as to why they did not meet the goal.

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$899,261.97 and acceptance of work on contract with **HUFF & MITCHELL, INC** for Replacement Sewers in the Navigation Subdivision Area, GFS R-2011-31-3 (WW4762-01) - 03.50% under the original contract amount - **DISTRICT H - GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0331 ADOPTED.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 23, 39 and 40 out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2005-0332 ADOPTED.

23. ORDINANCE appropriating \$73,600.00 out of General Improvements Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **PE SERVICE CONSULTING ENGINEERS, LTD.** for Denver Harbor Community Center Structural Evaluation, GFS D-0077-04-2 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2005-0354 ADOPTED.
39. ORDINANCE approving the issuance of bonds by the Midtown Redevelopment Authority; providing for continuing disclosure with respect to such bonds; containing other provisions relating to the foregoing subject; and declaring an emergency - **(This was Item 33 on Agenda of April 6, 2005, TAGGED BY COUNCIL MEMBER ELLIS)** - was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2005-0355 ADOPTED.
40. ORDINANCE approving and authorizing an agreement between the City of Houston, Texas, the Midtown Redevelopment Authority and Reinvestment Zone Number, Two, City of Houston, Texas for Certain Public Infrastructure Improvements; appropriating \$457,844.40 out of Water & Sewer System Consolidated Construction Fund (Fund 755) for payment to the Midtown Redevelopment Authority pursuant to the subject agreement - **(This was Item 34 on Agenda of April 6, 2005, TAGGED BY COUNCIL MEMBER ELLIS)** - was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2005-0356 ADOPTED.

PURCHASING AND TABULATION OF BIDS

5. **FLIGHT LIGHT, INC** for Lighted Runway Closure Markers for Houston Airport System \$33,600.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2005-0333 ADOPTED.
6. **AMEND MOTION #2002-863, 7/17/02, TO INCREASE** spending authority from \$4,000,000.00 to \$4,530,000.00, for Fuel, Diesel Low Emission Contract for Finance & Administration Department, awarded to **KING FUELS, INC** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2005-0334 ADOPTED.
7. **INGERSOLL RAND EQUIPMENT & SERVICES** for Trailer-Mounted Air Compressors for Department of Public Works & Engineering - \$123,136.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2005-0335 ADOPTED.
8. **CHASTANG'S BAYOU CITY FORD** for Automotive, Caterpillar Diesel Replacement Parts

and Service for Various Departments - \$127,400.00 - General, Enterprise and Fleet Management Funds - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2005-0336 ADOPTED.

ORDINANCES

9. ORDINANCE appropriating \$56,250.00 out of Water & Sewer System Consolidated Construction Fund to contract between the City and **COASTAL SECURITIES** for Financial Advisory Services; appropriating \$25,000.00 out of Street & Bridge Consolidated Construction Fund to contract with **FIRST SOUTHWEST COMPANY** for Financial Advisory Services; allocating certain other funds to the Financial Advisory contracts - \$47,500.00 - Enterprise Fund - was presented. All voting aye. Nays none. ORDINANCE 2005-0357 ADOPTED.

10. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **BOMASADA FLIGHT OPERATIONS, LLC**, for certain premises at Ellington Field - **DISTRICT E - WISEMAN** - was presented.

Council Member Sekula-Gibbs stated that she had a few questions and moved to consider Item No. 10 at the end of the agenda, seconded by Council Member Khan, and Mayor White stated that if there was no objection it was so ordered.

11. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **BK AIRPORT PROPERTIES, LP**, for certain premises at Ellington Field - **DISTRICT E - WISEMAN** - was presented.

Council Member Sekula-Gibbs moved to consider Item No. 10 at the end of the agenda, seconded by Council Member Khan, and Mayor White stated that if there was no objection it was so ordered.

12. ORDINANCE approving and authorizing option agreement for Purchase of Real Property at Ellington Field by and between the City of Houston, Texas and the Board of Regents of the **UNIVERSITY OF TEXAS SYSTEM** - **DISTRICT E - WISEMAN** - was presented, and tagged by Council Member Goldberg.

Council Member Goldberg stated that if possible he would like to see the appraisals done on the property, and Mayor White stated that he understood they were working to get that to Council Member Goldberg.

13. ORDINANCE approving and authorizing contract between the City and **BAYLOR COLLEGE OF MEDICINE** for Tuberculosis Physician Services; providing a maximum contract amount - 1 Year with three one-year options - \$208,000.00 - Grant Fund - was presented. All voting aye. Nays none. ORDINANCE 2005-0358 ADOPTED.

14. ORDINANCE approving and authorizing Reclaimed Water Supply Contract between the City and **HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 96** for Revenue Contract for Reclaimed Water - was presented. All voting aye. Nays none. ORDINANCE 2005-0359 ADOPTED.

17. ORDINANCE appropriating \$235,121.79 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **VOGT ENGINEERING, L.P.** for Design of the Construction of Munn Street Extension from Gellhorn Drive to Demaree Lane in Pleasantville Subdivision (approved by Ordinance No. 95-0599), GFS N-0370-01-2 (N-0370); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT B - GALLOWAY** - was

presented. All voting aye. Nays none. ORDINANCE 2005-0360 ADOPTED.

Council Member Galloway stated that she was sure the Pleasantville Subdivision was quite excited about the project and just wanted to make note of it.

Mayor White requested that Council Member Galloway let him know if the project did not keep on track, that he would appreciate that.

19. ORDINANCE appropriating \$1,650,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **TURNER COLLIE & BRADEN, INC** for Engineering Services associated with the Design of Southwest Wastewater Treatment Plant Renewal/Replacement; GFS R-0265-38-2 (WW4884); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. ORDINANCE 2005-0361 ADOPTED.
20. ORDINANCE appropriating \$849,200.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Lift Station Renewal/Replacement; GFS R-0267-86-2 (WW4887); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - GALLOWAY; E - WISEMAN; G - HOLM and I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2005-0362 ADOPTED.
21. ORDINANCE appropriating \$2,200,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CAMP DRESSER & MCKEE, INC** for Engineering Services associated with the Design of 69th Street Wastewater Treatment Plant Improvements; GFS R-0509-10-2 (WW4891); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2005-0363 ADOPTED.
22. ORDINANCE appropriating \$594,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **BROWN & GAY ENGINEERS, INC** for Engineering Services associated with the Design of Neighborhood Sewer System Improvements; GFS R-2011-45-2 (WW4889); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - EDWARDS and I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2005-0364 ADOPTED.
25. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT** to enter into an amendment to the strategic partnership agreement between City of Houston and Clear Brook City Municipal Utility District and on a proposal by the City of Houston to annex for limited purposes certain additional territory within Clear Brook City Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency - was presented. All voting aye. Nays none. ORDINANCE 2005-0365 ADOPTED.
26. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **MISSION BEND**

MUNICIPAL UTILITY DISTRICT NO.1 to enter into an amendment to the strategic partnership agreement between the City of Houston and Mission Bend Municipal Utility District No.1 and on a proposal by the City of Houston to annex for limited purposes certain additional territory within Mission Bend Municipal Utility District No.1 and certain additional territory located in the vicinity of Mission Bend Municipal Utility District No.1; and to impose regulations on certain territory in the vicinity of Mission Bend Municipal Utility District No.1, in Harris County and Fort Bend County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency - was presented. All voting aye. Nays none. ORDINANCE 2005-0366 ADOPTED.

27. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 110** to enter into an amendment to the strategic partnership agreement between the City of Houston and Harris County Water Control and Improvement District No. 110 and on a proposal by the City of Houston to annex for limited purposes certain additional territory within Harris County Water Control and Improvement District No. 110; and to impose regulations on certain territory in the vicinity of Harris County Water Control and Improvement District No. 110, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency - was presented. All voting aye. Nays none. ORDINANCE 2005-0367 ADOPTED.
28. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 63** to enter into an amendment to the strategic partnership agreement between the City of Houston and Harris County Municipal Utility District No. 63; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency - was presented. All voting aye. Nays none. ORDINANCE 2005-0368 ADOPTED.
29. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **WESTON UTILITY DISTRICT IN HARRIS COUNTY** to enter into an amendment to the strategic partnership agreement between the City of Houston and Weston Utility District; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency - was presented. All voting aye. Nays none. ORDINANCE 2005-0369 ADOPTED.

NON CONSENT AGENDA - NUMBER 30

MISCELLANEOUS

30. REVIEW of the record and make determination of the appeal filed by Diana Jackson on the decision of the General Appeals Board for denial of a Manufactured Home Hardship Permit at 5021 South Acres, Houston, Texas - **DISTRICT D - EDWARDS** - was presented.

Council Member Edwards moved to uphold the decision of the General Appeal Board, seconded by Council Member Green. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0337 ADOPTED.

MATTERS HELD - NUMBERS 31 through 42

31. Motion by Council Member Khan/Seconded by Council Member Alvarado to adopt

recommendation from Finance & Administration to award to **PMO LINK** for phase two development of Comprehensive Process Management System for building permit and land development processes - \$183,400.00 - Building Inspection Fund - (**This was Item 14 on Agenda of April 6, 2005, TAGGED BY COUNCIL MEMBERS LAWRENCE, EDWARDS and HOLM**) - was presented. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0338 ADOPTED.

32. Motion by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration to award to **CONTINENTAL AIRLINES, INC** to provide customer service training for Department of Public Works & Engineering, Planning & Development Services Division employees - \$85,000.00 Building Inspection Fund - (**This was Item 15 on Agenda of April 6, 2005, TAGGED BY COUNCIL MEMBERS HOLM, LAWRENCE and EDWARDS**) - was presented. Council Member Wiseman voting no, balance voting aye. Council Member Berry absent. MOTION 2005-0339 ADOPTED.

Council Member Edwards stated that she would like to encourage the management at the Cape Center to try to develop a similar in kind program because she was sure they would need this service again as they moved on in their refinement of their processes in the City. Council Member Berry absent.

Mayor White stated that a review and coordination of the activities at the Cape Center done by Mr. Fontaine to the extent that they did not have people that other people would hire to train they would find who the best were because it was so critically important and he would agree with Council Member Edwards suggestion. Council Member Berry absent.

33. Motion by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Finance & Administration to award to **TEXAS TRANSPORTATION INSTITUTE** for Video Camera Equipment, Installation Design and Broadband Internet Services for Department of Public Works & Engineering - \$193,300.00 - Grant Fund - (**This was Item 16 on Agenda of April 6, 2005, TAGGED BY COUNCIL MEMBER WISEMAN**) - was presented. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0340 ADOPTED.
34. Motion by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration to award to **LONE STAR FLAGS & FLAGPOLES, INC** for Flags and Banners for Various Departments \$615,016.50 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$596,566.00 - General and Enterprise Funds - (**This was Item 24 on Agenda of April 6, 2005, TAGGED BY COUNCIL MEMBER HOLM**) - was presented. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0341 ADOPTED.
35. RESOLUTION consenting to the creation of the Fort Bend County Rural Transit District; appointing a representative to the Rural Public Transportation Conference for such district; providing for the selection of the governing body of such district - (**This was Item 25 on Agenda of April 6, 2005, TAGGED BY COUNCIL MEMBER WISEMAN**) - was presented. All voting aye. Nays none. Council Member Berry absent. RESOLUTION 2005-0005 ADOPTED.
36. ORDINANCE **AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the regulations governing the making, amendment, or extension of contracts with persons indebted to the city; containing other provisions relating to the foregoing subject; providing for severability - (**This was Item 26 on Agenda of April 6, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN, SEKULA-GIBBS and GOLDBERG**) - was presented.

Council Member Goldberg stated that he had an amendment that Legal had looked at, that in fact Legal had given him the wording for the amendment and offered the following written motion to amend Item No. 36:

“RE: Agenda Item No. 36 (04/13/2005)

I move to amend Agenda Item 36 as follows:

Amend Sec. 15-126(a)(8), as set forth in Section 2 of the Ordinance, to read as follows:

- (8) Property acquisitions, including the lease of any real property to or by the city,
excluding any lease of city-owned property below fair market rental.”

Council Member Goldberg stated that in the ordinance there was a section that listed exceptions and he was amending one of the exceptions and that was if they leased property to someone who owed taxes they could not lease it below fair market value if they owed taxes, that they did a lot of \$1 per year leases, that was an exception, that they could not do \$1 per year lease if they owed taxes, that it had to be brought to the Council's attention that if they were doing a \$1 per year lease for someone who owed a lot of taxes, that Council had to make the decision.

Mayor White stated that the administration did not oppose the amendment and asked Council Member Goldberg if he knew what prompted the amendment, and Council Member Goldberg stated that he could not say specifically of a case, that he was just disturbed that they do a lot of below market leases to begin with and they definitely should not be doing it for people who owed taxes. Council Member Berry absent.

Council Member Quan stated that he appreciated the amendment that would at least allow them to look at renewals, that he thought at one time the administration was seeking to develop a policy on submarket leases and asked if any progress had been made on that, and Mayor White stated that he would ask Ms. Stein to get an update from Mr. Hall, that the policy, unless Mr. Hall gave some qualifications, was that it was not their policy to extend or to enter into new \$1 per year leases for City property, that with other taxing entities they did not ask them to donate the City property, that he did not think it would be a good business practice for HISD, the County or anybody else, they ought to do these things based on market principles so it was fair and transparent. Council Member Berry absent.

Council Member Galloway asked where in the ordinance did it address renewal of the contract for leases, that she knew of an instant where they had a renewal and it did not come before Council, that the department just signed off and that was the end of it, that it did not address how they would be able to check and know if people were delinquent on their taxes if it did not come back before Council.

Mayor White asked the City Attorney how they would find out about the lease renewal, and Mr. Michel stated that as to Council Member Galloway first question if they looked at the first page in 15-121A, it was the underlined language, that it provided for City contracts that were amended or extended, and Council Member Galloway asked if it meant that if the contract would be renewed it would come back to Council and Mr. Michel stated yes, and Council Member Galloway asked prior to the ordinance they were about to pass did they have anything in place for renewal of contract for lease for Council approval or was it at the discretion of the department head, and Mr. Michel stated that he thought for any department contract that came before Council it would fall under the \$25,000 rule and any amendment to it would have come before Council.

Mayor White stated that they had a Real Estate Task Force that had been assigned some responsibility of disposing of surplus property, and asked Mr. Michel to discuss with Mr. Hall who the appropriate person would be to get a list of the properties that the City of Houston had

that were \$1 per year, and Mr. Michel stated that he would communicate to the departments that they have a procedure to make sure there was a process to check the renewals, and Mayor White stated that Mr. Michel make sure that lawyers notify him or put a big footnote on those where the lease may say "and the lease may be extended from year to year unless some notice is given by either of the parties".

Upon questions by Council Member Goldberg, Mr. Michel stated that there were leases that never came back to Council, that what he was trying to get at was to make sure that there was a process to identify those, that he believed the extension would still place the obligation to be debt free.

Mayor White stated that the Controller's office checked certain things, he did not think it would take a whole lot if somebody put, in an Excel spreadsheet, people who had contractual relations with the City of Houston, and maintain the database, that they could get taxpayers identification numbers that would allow them to monitor whether they had vendors and people who they did business with who had some tax delinquency.

Council Member Ellis stated that he thought this afforded the Controller an opportunity to work with Council and make sure those contractors did not slip through the cracks, that would be the answer to the question that they did not see all the renewals because they may be less than \$25,000 but the Controller did and this ordinance gave her direction and guidance. Council Member Holm absent.

After further discussion by Council Members, Council Member Galloway stated that on the issue of option a particular contract had three years with two one year options and had not come back to Council and it was renewed again for three years with two one year options so right now it was pending with another option and thought it expired next year, that it had already been 10 years, and Mayor White asked Council Member Galloway to share the details of that contract with Mr. Hall, that he wanted to get to the bottom of it. Council Member Holm absent.

A vote was called on Council Member Goldberg's motion to amend Item No. 36. All voting aye. Nays none. Council Member Holm absent. MOTION 2005-0342 ADOPTED.

A vote was called on Item No. 36 as amended. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2005-0370 ADOPTED.

37. ORDINANCE establishing a Utility Relocation Policy for the City of Houston; **AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to set forth policies and procedures for the relocation of facilities located within public rights-of-way to accommodate Public Works Construction projects; creating a Utility Relocation Program and approving the terms and provisions thereof; appropriating the aggregate sum of \$9,000,000 therefore from certain Commercial Paper Programs - **(This was Item 28 on Agenda of April 6, 2005, TAGGED BY COUNCIL MEMBERS GREEN, WISEMAN, KHAN, GARCIA and SEKULA-GIBBS)** – was presented. Council Member Holm absent.

Council Member Quan stated that when they had discussion of the item yesterday the Mayor indicated that he would be circulating a letter or something as to the Legislative history to clarify what the intent of the ordinance was and asked if it was available now. Council Member Holm absent.

Mayor White stated that they would circulate it in writing and read the following "Utility Relocation Policy (Legislative History)". Among the other goals and purposes set forth therein, it is the intent and purpose of the City Council of the City of Houston, in establishing the City's Utility Relocation Policy, as set forth in this ordinance, that the construction of Public Works projects by or on behalf of the City shall, in all instances, be undertaken and accomplished only for public purposes, i.e., to serve the public health, welfare and safety for the City and its

citizens; and second, any feature, structure or portion of any Public Works project constructed at the request of any private party, which the City deems not to constitute a public benefit or purpose, shall not be constructed with public funds, regardless of their source and shall not be part or portion of the cost thereof on any third party. Mayor White stated that was what their intent was and he thought the language was worked out between Mr. Cheatham and MCI. Council Member Holm absent.

A further discussion a vote was called on Item No. 37. Council Member Wiseman voting no, balance voting aye. Council Members Goldberg and Holm absent. ORDINANCE 2005-0371 ADOPTED.

Mayor White stated that they had productive discussions with one of the major telecommunication carriers last evening and he thought they were going to make progress on these issues, that he wanted to thank the Council for the detailed consideration of all the issues that got very technical and their action was in the public interest. Council Member Holm absent.

38. ORDINANCE establishing a Budget Policy with regard to the Budgeting and Expenditure of increased Franchise Fee Revenues for Public Safety - **(This was Item 30 on Agenda of April 6, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Holm absent.

Council Member Quan stated this was another item that came up in the Fiscal Affairs Committee meeting and it was his understanding that the purpose of the ordinance was saying that any increase in Franchise Fees would go to public safety, that public safety was paid out of the General Fund as is and Mayor White stated that was correct and the Franchise Fees went into the General Fund as is and Council Member Quan asked Mayor White if the Franchise Fees were declining, and Mayor White stated that basically they had been flat, they declined from 1999 to 2000 and flattened out, that telecom had been declining, in particular one fixed line carrier had been declining at a very rapid pace and they would not let the City audit their books despite the law, and Council Member Quan asked if they were making a statement that they were protecting or helping public safety but looking at a revenue source that was actually in decline, did it inhibit the administrations or Council's ability to increase public funding through other sources as well, and Mayor White stated that it was more important to the administration that everyone understood what the stakes were in this or that ordinance, that he was trying to figure out a way that they could memorialize that, which was in Austin they were working every day to make sure that Franchise Fees, in particular telecom access fees and franchise fees, allowed them to keep up with the population and inflation growth of the City so they did not have to cut services and start that downward spiral that they had seen in other cities, that they were not trying to raise the amount of money they spent above the level of population and inflation and they wanted to provide more services through productivity increases, if telecom went down then something else had to go up, the fact was that every extra dollar that they could get in increased franchise fees, every single penny, they would put into an offer for a Fire contract, that by giving the big telecommunications companies a tax break, it was not that they were fighting big government, they were hurting the Fire and EMS service of the people of the City of Houston and he wanted to make that clear, and Council Member Quan stated that he wanted to ask for a commitment that this was not going to be the only source that they would be looking at as they looked at the budget and any increases in public safety and Mayor White stated that it would not be the only increase. Council Members Edwards and Wiseman absent.

Council Member Alvarado stated that she was glad to see that the administration was taking some action to bring some fairness to the formulas for the Franchise Fees and was glad that they were taking this step, that it was a step in the right direction for public safety but as they knew the Franchise Fees had not kept up with the growth and the population of the City and she thought they were doing a couple of things that would help to at least level the playing field, the administration was doing some audits, they had legislative action that was dealing with the fairness of the formulas and then revisiting their franchise agreements that they had, in the

last four years they had lost about \$14 million in this revenue source, their third largest revenue source, that she was pleased to see that it was on the table and was hoping aside from this that they could bring some fairness into the formulas for the Franchise Fee Agreements. Council Members Edwards and Wiseman absent.

Council Member Garcia stated that he wanted to express his appreciation that when they were talking about public safety there was no magic bullet to deal with the issue of retirements or the fiscal challenges that they had to keep up with the public safety needs of the City, but this was obviously an element that did go towards the solution, that he appreciated the Mayor rolling up his sleeves and looking at all opportunities that were there and reasonable to the taxpayers and all the folks who did business with the City.

41. ORDINANCE awarding contract to **IDEAL FINISHES, INC** for Graffiti Eradication and Protective Coating Application Services for Various Departments; providing a maximum contract amount \$1,251,235.50 - General and Enterprise Funds - **(This was Item 37 on Agenda of April 6, 2005, TAGGED BY COUNCIL MEMBER QUAN)**

Council Member Quan stated that he wanted to thank Mr. Ray Durosseau from Purchasing and Mr. John Crouch from Parks and Recreation, that last week he mentioned a product called Elephant Snot and they were going to be testing it out and seeing how effective it was on graffiti and to see if in fact it could help lower the cost that they were having to spend. Council Members Edwards and Wiseman absent.

A vote was called on Item No. 41. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2005-0373 ADOPTED.

42. MOTION by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Finance & Administration to **AMEND MOTION #2002-497, 4/24/02, TO EXTEND** expiration date from April 24, 2005 to April 23, 2006, for Paints, Solvents & Painting Supplies Contracts for Various Departments, awarded to **ICI DULUX, SHERWIN-WILLIAMS PAINT CO., INC, SOUTHWESTERN PAINT CO.** and **QUALITY PAINT & DÉCOR - (This was Item 59 on Agenda of April 6, 2005, POSTPONED BY MOTION #2005-323)** - was presented. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2005-0343 ADOPTED.

Item received during meeting.

18. ORDINANCE appropriating \$64,251.12 out of Series E Commercial Paper Metro Project Fund and approving and authorizing an amendment to increase the amount of contingency and approval of Change Order No. 3 on Construction Contract No. C55873 between the City of Houston and **TJ&T ENTERPRISES, INC** for Kingwood Drive Paving from Willow Terrace Drive to Hidden Lakes Drive (GFS N-0644G-01-3) - **DISTRICT E - WISEMAN** - was presented, and tagged by Council Member Quan.

Items postponed until the end of the agenda.

10. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **BOMASADA FLIGHT OPERATIONS, LLC**, for certain premises at Ellington Field - **DISTRICT E - WISEMAN** - was again before Council. All voting aye. Nays none. ORDINANCE 2005-0374 ADOPTED.
11. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **BK AIRPORT PROPERTIES, LP**, for certain premises at Ellington Field - **DISTRICT E - WISEMAN** - was again before Council.

Council Member Sekula-Gibbs stated that she appreciated Colonel Potts answering her

questions and these appeared to be good opportunities for the City to develop some commercial corporate hangar space which was needed.

Council Member Sekula-Gibbs requested Mayor White to give them any insight he might have regarding the current status of the BRAC, if he had any information regarding Ellington Field and the base realignment and closure, that it was weighing heavy on the minds of many of their citizens, that it was not directly related to Item No. 11 but it allowed her the opportunity to ask him that question.

Mayor White stated that when he was in Washington, D.C. about a month ago he talked to almost all members of the local House delegation concerning strategies to work on the issue, that the Department of Defense had been hearing from a lot of people about what should or should not even be on the BRAC list, including the members of Houston's delegation, that he expressed strong concern that they have an air intercept presence in this area because of the refining petrochemicals, so they were working hard on the issue and the first step was to try to make sure if they put together a BRAC list that Ellington was not on the list, that if something was listed then there was a whole process and procedure, that the Governor had a task force that was working on it, that if they did have regional offices for Homeland Security then they ought to be located near the places which were the most significant targets of the threat and risk.

A vote was called on Item No. 11. All voting aye. Nays none. ORDINANCE 2005-0375 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Goldberg stated that from his understanding the City was out of the graffiti abatement business for about a year and the only organized effort was at the East End Management District, they were spending money actively getting rid of graffiti, that it was very much reflected in the southwest part of Houston, that in areas in which there was never a graffiti problem there was a problem now, in the area where the Stella Link Library went up there was a graffiti problem now, they never had one before, that he wanted to make sure the administration budgeted money in the upcoming budget for some serious funding for graffiti abatement because it had gotten to ridiculous proportions and had to be a priority even above other things that they normally consider a priority because the City was being tagged everywhere and if they did not watch out they would look like New York City and their graffiti problem, that he had talked to Patricia Harrington about it and they could not blame her because she did not have the money. Council Members Lawrence and Wiseman absent.

Council Member Goldberg stated that the other issue he had concerned going in front of the Planning Commission or seeing Planning Commission decisions in subdividing of lots and re-platting, that he had talked to a lot of Planning Commissioners and they said their hands were tied, if they got the recommendation from the Planning Department they had to go with it or they were liable to be sued and the Planning Department said they relied on the Legal Department and they tell them yes or no whether the deed restrictions were in force and whether they allowed it and they interpret it, that he thought a lot of their interpretations may be wrong but it was hard to debate because most of the time the answer they gave to the Planning Department was a verbal yes or no, there was nothing in writing, that he sent a letter around a couple of days ago the Council Members and today to Mayor White and the City Attorney, asking for them to fix the problem, that he was looking for suggestions from Council Members and one of the things he was suggesting was if there was a challenge and if there was not an agreement as to the legality of it he would like to see something in writing from the Legal Department justifying their position and bringing them evidence, whether it supported it and also included evidence to the contrary, that they did not support it, that he would like to see evidence from both sides, that it had to be in writing, that he thought they needed something stronger in light of the fact that a lot of their neighborhoods were being threatened with the new development and to rely on a verbal yes or no he thought was not good enough and did not rise

to the standard he thought they should meet, that he hoped they could come forward with something and as soon as he got some suggestions and ideas from anyone he would like to put it before the Regulation Planning and Development Committee for some changes. Council Members Lawrence, Wiseman and Ellis absent.

Council Member Garcia stated that he had those exact same conversations with Planning Commissioners himself, the he did not know whether they had the mandate from Council or if they had been told if they did get sued they would represent them, so he thought it was a very legitimate request that Council Member Goldberg was making, that he was willing to work with Council Member Goldberg on the project and thought it was a very needed and important cause to take up. Council Members Lawrence, Wiseman and Green absent.

Mayor White stated that there had been a suggestion that the Planning Commission have a formal mechanism for getting a second opinion, such as an outside firm, that he thought it was something that Mr. Michel, working with Ms. Johnson, that would probably be a resource and also a resource to the committee, that within the Flooding and Drainage and Quality of Life Committee one of the issues that he would like Council Members to help him with was whether they should take some steps at rewriting some of the code that would give the Planning Commission more authority to deal with some of the issues in a way that was not completely ad hoc but where they were not waiting to get stuff perfect before they had stuff that was done, that there had been drafted some performance standards for plat approval or something like that and he just did not want to move to far down that line and get into something, that he did not want California style land controls, they wanted to keep the affordable deal, but he really would rely heavily on judgment of Council and if they had some lawyer who was tasked with that to assist with the Legal Department, that he wanted Mr. Michel to consider it, that it did not have to be on a permanent basis. Council Members Lawrence, Wiseman and Green absent.

Council Member Galloway stated that she thought they should start having a training session on Council procedures. Council Members Lawrence, Wiseman and Green absent.

Council Member Galloway stated that she wanted to thank the directors who attended the townhall meeting last night, Mr. Dadoush, that Mr. Marcotte brought the majority of his staff and they gave some very good information to the constituents, along with Mr. Joe Turner who always had a wealth of knowledge as the Director from the Parks Department, that Chief Ottemeyer, Captain McKinney and Duke with the DRT Team took a lot of complaints and a lot of things they were going to clean up, that the constituents also praised Mayor White for the fine job that his staff was helping them to do in District B, that they had Mr. Earl Jones from Solid Waste, that tonight they would have a townhall meeting at the Kashmere Multi Purpose Center, and tomorrow night at Acres Home Multi Purpose Center. Council Members Lawrence, Wiseman and Green absent.

Council Member Galloway stated that the community was very excited about what was now going on, that they could see a difference, that she told them about the Mayor's project, "Don't Trash Houston", so each month each of the Council's would be having their cleanup and theirs would be coming up on April 23, 2004, and she wanted to thank the Mayor for what he was going to do for them as a City in soliciting all employees to volunteer and assisting the districts, that it seemed like they were moving in the right direction, that her district was looking much better, that so many houses were being torn down, that she wanted to thank Mayor White and his staff. Council Members Lawrence, Wiseman, Green and Berry absent.

Mayor White stated that he apologized for the extended discussion, that the Planning Commission thing had been such a pain for so long and he did not want it just to be a bunch of people talking and nothing get done, so he authorized the Legal Department and Finance and Administration to find new money to hire lawyers to help them sort it out. Council Members Lawrence, Wiseman, Green and Berry absent.

Council Member Edwards stated that with the events at Gregory Lincoln School they were trying to develop an ordinance that speaks to the process of what happens when any interaction happens with the City with historical buildings, sites or whatever, there were other cities that had legislation or at least a Memorandum of Understanding or a methodology of how City workers went out and worked in those areas and the City of Houston did not have anything of that type and thought that was one of the issues they had especially in the Fourth Ward area, that they were looking to do that and would appreciate Mr. Michel's help, that also her concern was that there was so much talk about the Freedman's area, but Freedman's Town was only designated as a nationally historic piece and not on a local level so they needed to get that done as well, what process did they need to get it done. Council Members Lawrence, Wiseman, Green and Berry absent.

Council Member Edwards stated that the issue of the Planning Commission was a very sore subject with her and was glad to see Mayor White take the leadership because they had another issue of imminent domain rising and it was going to be ugly if it came to play and that was the only facility that she knew of that dealt with resident beds for homeless people who had mental health issues was being threatened with imminent domain by HCC, it was the Magnificent House on Elgin, that her office had been getting letters and frantic calls from the sisters who run that facility, that they did not know what was going on, that she needed the Mayor's assistance because she did not think that HCC really understood what it would mean if that happened, that she would like to have some conversations with them and would like the Mayor's support in those conversations, that she had talked with Anthony Love with the Coalition for the Homeless and they had received letters and calls from the community, that maybe they could help HCC find some other property if they needed to expand or to make sure that they worked with the community to make sure they had someplace to go. Council Members Lawrence, Wiseman, Green and Berry absent.

Council Member Edwards stated that they had done a lot of work with Parks and Recreation but they had some parks in District D that if they were night clubs they would have to shut them down, that she was asking Council Member Garcia why they could not use Chapter 125 to enforce no illicit sex and illicit drugs in parks like they did for clubs, that she did not know what the problem was but she was at a civic club meeting where people were saying just to close the park down because every time she looked out her window someone was having sex in the portable potty or they were doing drugs or there were shootings every night, that she did not think Mr. Turner could deal with it because he did not have that kind of staff, that they had a lot of issues in their parks and she did not know what the answer was but they had to deal with it, that the park was E. B. Hill Park in Sunnyside, that it was on the list to be revitalized. Council Members Lawrence, Galloway, Wiseman, Alvarado, Green and Berry absent.

Council Member Edwards stated that she wanted to thank all of the volunteers and Neighborhood Protection inspectors, that on April 2 and April 9 they did cleanups in the Sunnyside area, they had over 150 volunteers who participated along with people from the City, that Wanda Robinson was awesome and she wanted to congratulate her and the staff from the Mayor's office, that particularly she wanted to thank the volunteers from the community, that Dr. Edith Clark was one of the senior elders in the community and she was out there working with the younger people. Council Members Lawrence, Galloway, Wiseman, Alvarado, Green and Berry absent.

Council Member Edwards stated that once again Mrs. White had set a precedent, that she started the whole series of conversations with women in the City and they were going to have another one that they had taken to a different level and were going to be talking with teenagers on Saturday about healthy choices, everything from obesity to domestic violence to sexually transmitted diseases, that it would be on Saturday from 9:00 a.m. to 3:00 p.m. at the Ensemble and Mrs. White was one of the co-chairs, that hopefully it would be a model for the continued dialogs as they went around the City to talking to women and teenagers about healthy choices in their lives, that she wanted to thank Argentina James who had been very instrumental in

getting the Missouri City Links involved in this effort. Council Members Lawrence, Galloway, Wiseman, Alvarado, Green and Berry absent.

Council Member Edwards stated that she wanted to congratulate the Houston Rockets and the McGregor Park Community for holding another successful Houston Rockets Tundra Zone Party. Council Members Lawrence, Galloway, Wiseman, Alvarado, Green and Berry absent.

Council Member Edwards stated that Janet Arcaine was returning to the Comets. Council Members Lawrence, Galloway, Wiseman, Alvarado, Green and Berry absent.

Mayor White stated that there were a number of Council Members who were active in their communities and when Council Member Edwards talked about what Andrea had been doing with the women's forums, the thing that participants had the best feedback on was when she organized several hundred women who had been blessed in life to do Mother's Day last year for those mothers who were really struggling, that it was a very profound experience for the participants. Council Members Lawrence, Galloway, Wiseman, Green and Berry absent.

Council Member Garcia stated that the potential of hurricane weather was upon them and they were currently in Hurricane Awareness Week and yesterday they had a press conference with DRC, that he, Council Member Edwards and Mr. Damon Maddocks, who had been working with Council Member Edwards, did a joint effort to make sure that folks knew that the City of Houston, if need be, was well prepared with the support from folks like DRC. Council Members Lawrence, Galloway, Wiseman, Green and Berry absent.

Council Member Garcia stated that Dale Wortham, a great union member and organizer would be recognized on Friday, that he wanted to wish him all the best, that apparently it was the AFL CIO's first ever community service award. Council Members Lawrence, Galloway, Wiseman, Green and Berry absent.

Council Member Garcia stated that TV Informa would be coming to Houston and would be launching their signal next week, Channel 43, that they would be news based as well so it would be another avenue to keep the public informed. Council Members Lawrence, Galloway, Wiseman, Green and Berry absent.

Council Member Holm stated that she wanted to thank Council Member Goldberg for bringing the issue one more time before them, that she thought all of them had struggled with the issues that came before the Planning Commission on a regular basis, that Marlene Gafrick deserved so many kudos for being the most responsive and objective person but she could not handle it all, they had so much growth in the City, that she really hoped they would look at taking measures to have some accountability and the written responses from Legal so they could be able to address the issues. Council Members Lawrence, Galloway, Wiseman, Quan, Green and Berry absent.

Council Member Holm stated that last night in Wilchester West they had a meeting, they had been going through a storm sewer infrastructure construction project now which was 77% complete in only 58% of the time, so they were 19% ahead of the schedule, they did not have one single complaint, that she wanted to thank the people who were part of it, R. G. Miller, Engineer and JFT Construction Contractor, that they had been very responsive, from the City, Jeff Chuckwu, Project Manager, Reed Mrsny and Tim Lincoln, that it was a job well done. Council Members Lawrence, Galloway, Wiseman, Quan, Green and Berry absent.

Council Member Alvarado stated that they had a very important meeting next Thursday, April 21, 2005, that Council Member Berry's office had been taking the lead on it and their office had been involved, as well as Council Member Galloway's, that it was a meeting on rail crossings and they had representatives coming from the Federal Railroad Administration and

the various railroad companies, that they would get some flyers to Council offices and they encouraged the Council Members to come and to invite their constituents, that it was on Thursday, 6:30 p.m. to 8:30 p.m. at the George R. Brown Convention Center. Council Members Lawrence, Galloway, Wiseman, Green and Berry absent.

Council Member Alvarado stated that she wanted to congratulate Council Member Sekula-Gibbs on helping to get some of their FQHCs awarded to Houston, that she had worked long and hard on that. Council Members Lawrence, Galloway, Wiseman, Green and Berry absent.

Council Member Alvarado stated that they had the MS Ride coming up and Mayor White would be joining them on a ride to Austin, that they had a great team, that they never had that many people from City Hall riding to Austin, that Mayor White, Terrance Fontaine, Frank Michel, Patrick Trahan, Jill Juet, Elena Marks and Chris Brown from Council Member Green's office was participating as well as herself, that she wanted to thank her colleagues who had pledged a few dollars for the rides. Council Members Lawrence, Galloway, Wiseman, Green and Berry absent.

Council Member Sekula-Gibbs stated that they now had 5 new federally qualified health centers in the Houston area and it was a tremendous gift to the uninsured and low income people in their neighborhoods, that they were very blessed to have them, that it brought in grant money for uninsured people as well as better reimbursements in Medicare and Medicaid and she hoped that it would begin the process of turning the tide for uninsured people so they would no longer have to go to emergency rooms to get their medical care, that they qualified for 25 so they still had a ways to go, that she wanted to thank Mayor White for his support on the initiative, Harris County, the Gateway to Care Collaborative, as well as their Congressional delegation. Council Member Sekula-Gibbs passed out a handout that listed the Federally Qualified Health Centers in the Houston area. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Green and Berry absent.

Council Member Khan stated that the sport of Cricket was coming to Houston, that Cricket was played in 91 countries around the world and was only second to Soccer in worldwide popularity as a spectator sport, that it was in the caliber of an All Star Game, that the events would be held at the Astrodome from June 15 through June 20, 2005, that he wanted them to mark their calendars because they needed to show that they really welcomed all sports in the City because they wanted international Cricket to come to Houston, that in Houston there was league Cricket going on and there were about 100 different teams playing in league Cricket, that he wanted to thank the County Judge for making the event possible by welcoming Cricket to the Astrodome. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Green and Berry absent.

Council Member Khan stated that he wanted to thank Kathy Barton, Health Department, they were hosting a Health Fair on May 14, 2005 and she was working very closely in providing their office a lot of assistance and they appreciated her efforts. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Green and Berry absent.

Council Member Khan stated that he wanted to congratulate Alief Independent School District, they were the finalists for the Broad Foundation Award as one of the best urban school districts in the Nation. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Green and Berry absent.

Council Member Quan stated that he wanted to remind the committee members of the Neighborhood Housing and Redevelopment Committee that they would be having their next meeting on Tuesday, that Dr. Rita DeAndre would be giving a preliminary report on their study on ending chronic homelessness and also Mr. Wilson would be providing some initial response to the Jefferson Wells report and what his department was doing to take corrective action. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Green and Berry absent.

Council Member Quan stated that he wanted to congratulate the people at BARC, the Bureau of Regulation and Control, that the new kennel was a very nice facility and there had been extensive training on handling the animals, that nothing was perfect but he thought they were making tremendous progress on handling animals in a fair and humane manner. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Green and Berry absent.

Council Member Quan stated that this weekend would be the opening of the movie "The Year of the Yao" and he thought it was a movie that would highlight Houston a lot, that it was Thursday night at the AMC 30. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Green and Berry absent.

Council Member Quan stated that he wanted to congratulate Council Member Berry for being named one of the Five Outstanding Houstonians for this year. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Green and Berry absent.

Council Member Ellis stated that Council Member Quan did not tell them that his daughter received one of the Five Outstanding Houstonians. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Green and Berry absent.

There being no further business before Council, the City Council adjourned at 11:05 a.m. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Green and Berry absent.

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

Anna Russell, City Secretary